

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1002 be amended to read as follows:

- 1           Page 3, between lines 15 and 16, begin a new paragraph and insert:  
2           "SECTION 3. IC 6-1.1-21-3, AS AMENDED BY P.L.192-2002(ss),  
3           SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           UPON PASSAGE]: Sec. 3. (a) The department, with the assistance of  
5           the auditor of state and the department of local government finance,  
6           shall determine an amount equal to the eligible property tax replacement  
7           amount, which is the estimated property tax replacement.  
8           (b) The department of local government finance shall certify to the  
9           department the amount of:  
10           **(1) property tax deduction replacement credits provided**  
11           **under IC 6-1.1-21.9 that are allowed by the county for the**  
12           **particular calendar year; and**  
13           **(2) homestead credits provided under IC 6-1.1-20.9 which are**  
14           **allowed by the county for the particular calendar year.**  
15           (c) If there are one (1) or more taxing districts in the county that  
16           contain all or part of an economic development district that meets the  
17           requirements of section 5.5 of this chapter, the department of local  
18           government finance shall estimate an additional distribution for the  
19           county in the same report required under subsection (a). This additional  
20           distribution equals the sum of the amounts determined under the  
21           following STEPS for all taxing districts in the county that contain all or  
22           part of an economic development district:  
23           STEP ONE: Estimate that part of the sum of the amounts under  
24           section 2(g)(1)(A) and 2(g)(2) of this chapter that is attributable

1 to the taxing district.

2 STEP TWO: Divide:

3 (A) that part of the estimated property tax replacement amount  
4 attributable to the taxing district; by

5 (B) the STEP ONE sum.

6 STEP THREE: Multiply:

7 (A) the STEP TWO quotient; times

8 (B) the taxes levied in the taxing district that are allocated to a  
9 special fund under IC 6-1.1-39-5.

10 (d) The sum of the amounts determined under subsections (a)  
11 through (c) is the particular county's estimated distribution for the  
12 calendar year.

13 SECTION 5. IC 6-1.1-21-4, AS AMENDED BY P.L.245-2003,  
14 SECTION 19, AND AS AMENDED BY P.L.264-2003, SECTION 12,  
15 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Each year the department  
17 shall allocate from the property tax replacement fund an amount equal  
18 to the sum of:

19 (1) each county's total eligible property tax replacement amount  
20 for that year; plus

21 (2) the total amount of homestead tax credits that are provided  
22 under IC 6-1.1-20.9 and allowed by each county for that year;  
23 plus

24 (3) an amount for each county that has one (1) or more taxing  
25 districts that contain all or part of an economic development  
26 district that meets the requirements of section 5.5 of this chapter.  
27 This amount is the sum of the amounts determined under the  
28 following STEPS for all taxing districts in the county that contain  
29 all or part of an economic development district:

30 STEP ONE: Determine that part of the sum of the amounts  
31 under section 2(g)(1)(A) and 2(g)(2) of this chapter that is  
32 attributable to the taxing district.

33 STEP TWO: Divide:

34 (A) that part of the subdivision (1) amount that is attributable  
35 to the taxing district; by

36 (B) the STEP ONE sum.

37 STEP THREE: Multiply:

38 (A) the STEP TWO quotient; times

39 (B) the taxes levied in the taxing district that are allocated to  
40 a special fund under IC 6-1.1-39-5; **plus**

41 **(4) the total amount of property tax deduction replacement**  
42 **credits that are provided under IC 6-1.1-21.9 and allowed by**  
43 **each county for that year.**

44 (b) Except as provided in subsection (e), between March 1 and  
45 August 31 of each year, the department shall distribute to each county

1 treasurer from the property tax replacement fund one-half (1/2) of the  
 2 estimated distribution for that year for the county. Between September  
 3 1 and December 15 of that year, the department shall distribute to each  
 4 county treasurer from the property tax replacement fund the remaining  
 5 one-half (1/2) of each estimated distribution for that year. The amount  
 6 of the distribution for each of these periods shall be according to a  
 7 schedule determined by the property tax replacement fund board under  
 8 section 10 of this chapter. The estimated distribution for each county  
 9 may be adjusted from time to time by the department to reflect any  
 10 changes in the total county tax levy upon which the estimated  
 11 distribution is based.

12 (c) On or before December 31 of each year or as soon thereafter as  
 13 possible, the department shall make a final determination of the amount  
 14 which should be distributed from the property tax replacement fund to  
 15 each county for that calendar year. This determination shall be known  
 16 as the final determination of distribution. The department shall distribute  
 17 to the county treasurer or receive back from the county treasurer any  
 18 deficit or excess, as the case may be, between the sum of the  
 19 distributions made for that calendar year based on the estimated  
 20 distribution and the final determination of distribution. The final  
 21 determination of distribution shall be based on the auditor's abstract filed  
 22 with the auditor of state, adjusted for postabstract adjustments included  
 23 in the December settlement sheet for the year, and such additional  
 24 information as the department may require.

25 (d) All distributions provided for in this section shall be made on  
 26 warrants issued by the auditor of state drawn on the treasurer of state.  
 27 If the amounts allocated by the department from the property tax  
 28 replacement fund exceed in the aggregate the balance of money in the  
 29 fund, then the amount of the deficiency shall be transferred from the  
 30 state general fund to the property tax replacement fund, and the auditor  
 31 of state shall issue a warrant to the treasurer of state ordering the  
 32 payment of that amount. However, any amount transferred under this  
 33 section from the general fund to the property tax replacement fund  
 34 shall, as soon as funds are available in the property tax replacement  
 35 fund, be retransferred from the property tax replacement fund to the  
 36 state general fund, and the auditor of state shall issue a warrant to the  
 37 treasurer of state ordering the replacement of that amount.

38 (e) Except as provided in subsection (i), the department shall not  
 39 distribute under subsection (b) and section 10 of this chapter the money  
 40 attributable to the county's property reassessment fund if:

41 (1) by the date the distribution is scheduled to be made, ~~(1)~~ the  
 42 county auditor has not sent a certified statement required to be  
 43 sent by that date under IC 6-1.1-17-1 to the department of local  
 44 government finance; ~~or~~

45 (2) by the deadline under IC 36-2-9-20, the county auditor has not  
 46 transmitted data as required under that section; **or**

~~(2)~~ **(3)** *the county assessor has not forwarded to the department of local government finance the duplicate copies of all approved exemption applications required to be forwarded by that date under IC 6-1.1-11-8(a).*

(f) Except as provided in subsection (i), if the elected township assessors in the county, the elected township assessors and the county assessor, or the county assessor has not transmitted to the department of local government finance by October 1 of the year in which the distribution is scheduled to be made the data for all townships in the county required to be transmitted under IC 6-1.1-4-25(b), the state board or the department shall not distribute under subsection (b) and section 10 of this chapter a part of the money attributable to the county's property reassessment fund. The portion not distributed is the amount that bears the same proportion to the total potential distribution as the number of townships in the county for which data was not transmitted by ~~August 1~~ *October 1* as described in this section bears to the total number of townships in the county.

(g) Money not distributed ~~under subsection (e)~~ *for the reasons stated in subsection (e)(1) and (e)(2)* shall be distributed to the county when:

(1) the county auditor sends to the department of local government finance the certified statement required to be sent under IC 6-1.1-17-1; and

(2) *the county assessor forwards to the department of local government finance the approved exemption applications required to be forwarded under IC 6-1.1-11-8(a);*

with respect to which the failure to send *or forward* resulted in the withholding of the distribution under subsection (e).

(h) Money not distributed under subsection (f) shall be distributed to the county when the elected township assessors in the county, the elected township assessors and the county assessor, or the county assessor transmits to the department of local government finance the data required to be transmitted under IC 6-1.1-4-25(b) with respect to which the failure to transmit resulted in the withholding of the distribution under subsection (f).

(i) The restrictions on distributions under subsections (e) and (f) do not apply if the department of local government finance determines that:

(1) the failure of:

(A) a county auditor to send a certified statement; or

(B) *a county assessor to forward copies of all approved exemption applications;*

as described in subsection (e); or

(2) the failure of an official to transmit data as described in subsection (f);

is justified by unusual circumstances.

SECTION 6. IC 6-1.1-21.9 IS ADDED TO THE INDIANA CODE

1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
2 PASSAGE]:

3 **Chapter 21.9. Property Tax Deduction Replacement Credits**

4 **Sec. 1. The definitions set forth in IC 6-1.1-21 apply throughout**  
5 **this chapter.**

6 **Sec. 2. As used in this chapter, "county property tax deduction**  
7 **replacement amount" means the sum of a particular county's**  
8 **taxpayer property tax deduction replacement credits.**

9 **Sec. 3. As used in this chapter, "property tax deduction**  
10 **increment" means:**

- 11 (1) the value of a property tax deduction available under
- 12 IC 6-1.1-12-37 (as in effect after December 31, 2003); minus
- 13 (2) thirty-five thousand dollars (\$35,000).

14 **Sec. 4. As used in this chapter, "taxpayer's property tax**  
15 **deduction replacement credit" means:**

- 16 (1) the amount of a particular taxpayer's property tax
- 17 deduction increment; multiplied by
- 18 (2) the total net tax rate applicable in the taxpayer's taxing
- 19 district.

20 **Sec. 5. (a) The department, with the assistance of the auditor**  
21 **of state and the department of local government finance, shall**  
22 **determine for each county an amount equal to the county**  
23 **property tax deduction replacement amount.**

24 **Sec. 6. For purposes of calculating tax rates, the county auditor**  
25 **shall add the sum of each county taxpayer's property tax**  
26 **deduction increments to the county's net assessed value.**

27 **Sec. 7. For purposes of calculating a particular taxpayer's tax**  
28 **bill, the county treasurer shall add the taxpayer's property tax**  
29 **deduction increment to the taxpayer's net assessed value.**

30 **Sec. 8. Each year the taxpayers of each county shall receive a**  
31 **credit for property tax deduction replacement in the amount of**  
32 **each taxpayer's property tax deduction replacement credit amount**  
33 **for taxes that under IC 6-1.1-22-9 are due and payable in May and**  
34 **November of that year. The credit shall be applied to each**  
35 **installment of taxes. The dollar amount of the credit for each**  
36 **taxpayer shall be determined by the county auditor, based on data**  
37 **furnished by the department of local government finance.**

38 **SECTION 7. [EFFECTIVE UPON PASSAGE] (a) IC 6-1.1-21-3**  
39 **and IC 6-1.1-21-4, both as amended by this act, apply only to**  
40 **property taxes first due and payable after December 31, 2003.**

- 1       **(b) IC 6-1.1-21.9, as added by this act, applies only to property**
- 2       **taxes first due and payable after December 31, 2003."**
- 3       Renumber all SECTIONS consecutively.  
      (Reference is to HB 1002 as printed January 13, 2004.)

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Representative Espich